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WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

CYNTHIA VICTORIAN

\* CIVIL ACTION NO. 2:16 -CV-1263

v.

\* JUDGE JAMES T. TRIMBLE, JR.

THE KANSAS CITY SOUTHERN  
RAILWAY CO., ET AL.

\* MAGISTRATE JUDGE KAY

\*\*\*\*\*

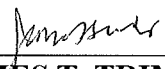
JUDGMENT

For the reasons stated in the Report and Recommendation (Rec. Doc. 24) of the Magistrate Judge previously filed herein, and after an independent review of the record, a *de novo* determination of the issues, a review of the objections filed by the plaintiff (Rec. Doc. 25), the responses filed by the defendants the Kansas City Southern Railway Company and Troy Cunningham, and the reply filed by Victorian, the court determines that the findings are correct under applicable law. The Report and Recommendation recommends that the Motion to Remand (Rec. Doc. 6) be granted and that the Motion for Attorney's Fees (Rec. Doc. 6) be denied. Neither party argues that the case should not be remanded. The plaintiff objected to the Report and Recommendation based only on the attorney's fees recommendation. The court agrees with the conclusions and reasoning of the Magistrate Judge regarding this motion. Accordingly,

**IT IS ORDERED** that the Motion to Remand (Rec. Doc. 6) is **GRANTED**. The above captioned matter is remanded to the 14th Judicial District Court for the Parish of Calcasieu, State of Louisiana.

**IT IS FURTHER ORDERED** that the Motion for Attorney's Fees (Rec.Doc. 6) is **DENIED**.

**THUS DONE AND SIGNED** in Alexandria, Louisiana on this 12<sup>th</sup> day of July, 2017.

  
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**JAMES T. TRIMBLE, JR.**  
**UNITED STATES DISTRICT JUDGE**